

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	3:73-cv-00127-MMD-WGC
)	
Plaintiff,)	
)	ORDER DISCONTINUING
WALKER RIVER PAIUTE TRIBE,)	SERVICE BY POSTCARD NOTICE
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
a corporation, et al.,)	
)	
Defendants.)	

On October 17, 2014, the Court entered the *Superseding Order Regarding Service and Filing in Subproceeding C-125-B On and By All Parties* (ECF No. 2100) (the “Superseding Order”). Pursuant to the Superseding Order, the Court established the manner in which Motions, Papers, and Documents filed with the Court were to be served and the manner in which **Unrepresented Parties** may file documents herein. Among other things, the Superseding Order allowed **Unrepresented Parties** to elect to receive service in this matter by electronic service or by postcard notice as provided in paragraphs 17 through 20 of the Superseding Order.

Since issuing the Superseding Order, the Court has observed the service process established under the order. Because of the unique circumstances of this case, and for the reasons expressed herein, the Court has determined that service by postcard notice should be

1 discontinued, except as expressly authorized on a case by case basis by a separate order of the
2 Court. **Unrepresented Parties** who previously elected service by postcard notice must either
3 provide the Court with an email address for electronic service, or they shall be deemed to have
4 consented to receive service and subsequent notice of all filings by taking the responsibility to
5 check the public website established and maintained by the Court described in the Superseding
6 Order and in this Order.

7
8 Throughout this Order, the following definitions shall apply:

9 **“Represented Party”** means a party who has been served, who has filed a Notice of
10 Appearance and Intent to Participate, and who is represented by an attorney.

11 **“Unrepresented Party”** means a party who has been served and who previously filed a
12 Notice of Appearance and Intent to Participate, but who is not represented by an attorney.

13 **ATTENTION – ACTION BY YOU MAY BE NECESSARY**

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15 As a result of the Superseding Order, numerous Unrepresented Parties elected to receive
16 service in this matter by postcard notice. For those Unrepresented Parties who elected to receive
17 service by postcard notice, the Court has directed that these Unrepresented Parties will be mailed
18 a paper copy of this order to their last known address.

19 In this Order Discontinuing Service by Postcard Notice, the Court is ordering that every
20 **Unrepresented Party** who previously elected to receive service by postcard should complete
21 and return the attached form titled: **Notice of Email Address or, in the alternative,**
22 **Declaration of Hardship.** Through this form, each **Unrepresented Party** who previously
23 elected to receive service by postcard must provide an email address for purposes of receiving
24 service by electronic mail. In the alternative, the Unrepresented Party may attempt to establish
25 unique circumstances that make electronic service an impossibility or an undue hardship.
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1 Subsequently, the Court shall take up claims of individual circumstances/hardship on a case-by-
2 case basis.

3 **BACKGROUND**

4 As expressed previously in the Superseding Order, the Court continues to be concerned
5 with the need for an effective, efficient, and inexpensive method for the Court, as well as all
6 parties, to serve papers on **Unrepresented Parties**, and conversely to allow **Unrepresented**
7 **Parties** to serve papers that they may file. Although the Court is concerned with, among other
8 things, the cost to the judiciary of mailing paper copies, of greatest concern to the Court is that
9 the cost of requiring every party to serve **Unrepresented Parties** who previously elected service
10 by postcard notice will unfairly impede the participation of all parties to this matter, whether
11 represented or unrepresented. The Court has observed the cumbersomeness, confusion, and
12 expense associated with the postcard notice process. Therefore, based upon reflection and
13 examination of proceedings since issuance of the Superseding Order, the Court has concluded
14 that service by postcard notice is an unnecessary expense to all parties and the Court and the
15 procedure should be discontinued (with limited possible exceptions based on established,
16 individual, unique circumstances).

19 **FINDINGS AND CONCLUSIONS**

20 Accordingly, and based upon the foregoing, the Court finds that service on
21 **Unrepresented Parties** by postcard notice should be discontinued except as might be stated in a
22 subsequent, separate order as to the specific circumstances of an **Unrepresented Party**.

24 **ORDER**

25 NOW, THEREFORE, IT IS HEREBY ORDERED:
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Continued Maintenance of the Public Website:

1. As specified in the Superseding Order, the Clerk of the Court has established and will continue to maintain a website that is separate from the Court's official docket and available to the public, on which the Clerk has and will post Orders and other filings of this subproceeding, 3:73-CV-00127-MMD-WGC.

2. This separate public website may be accessed directly at: <https://ecf.nvd.uscourts.gov/casedisplay> or by selecting "Walker River" on the District of Nevada's official website (www.nvd.uscourts.gov).

Service of This Order Discontinuing Service by Postcard Notice:

3. The Court shall serve this Order Discontinuing Service by Postcard Notice through the CM/ECF system on all **Represented Parties**. In addition, the Court shall send email notice of this Order Discontinuing Service by Postcard Notice electronically to all **Unrepresented Parties** who have previously consented to such service and provided the Court with an email address for such service.

4. Within thirty (30) days from the entry of this Order Discontinuing Service by Postcard Notice, the United States shall serve this Order Discontinuing Service by Postcard Notice by first-class mail on all **Unrepresented Parties** who previously elected service by postcard notice. The United States shall serve such **Unrepresented Parties** at their last known address as reflected by the Court-maintained list of addresses and any recent correspondence with such **Unrepresented Parties** previously electing service by postcard notice. Such service of this Order shall also include the **Notice of Email Address or, in the alternative, Declaration of Hardship** form in substance as attached hereto as Exhibit A.

Action by Unrepresented Parties Previously Electing Service by Postcard Notice:

5. An **Unrepresented Party** who previously elected service by postcard notice within sixty (60) days of service of this Order Discontinuing Postcard Notice on such an **Unrepresented Party** by the United States, must complete and return to the Court the attached **Notice of Email Address or, in the alternative, Declaration of Hardship**. The completed form must be received by the Court no later than _____, 2019. The form must be mailed to:

U.S. District Court Clerk, Attn. 3:73-CV-00127-MMD-WGC Notice Clerk
Bruce R. Thompson Courthouse
400 S. Virginia Street, Room 301
Reno, Nevada 89501

An **Unrepresented Party** consenting to electronic service may wish to create a new email address to receive notice from the Court that is separate from that party's personal or other email addresses.

Failure to Respond:

6. Once an **Unrepresented Party** provides the Court an email address for service, that party will receive an email from the Court each time a document is filed in this case, and in that email that party will be directed to a specific location on the internet where the document can be easily accessed and examined for free.

7. If such an **Unrepresented Party** fails to respond to the **Notice of Email Address or, in the alternative, Declaration of Hardship**, that party shall be deemed to have consented and agreed to receive service and subsequent notice of all filings in this matter by taking the responsibility to check the public website by selecting "Walker River" on the court's website (www.nvd.uscourts.gov) or by accessing the public website directly (<https://ecf.nvd.uscourt.gov/casedisplay>).

1 8. In the event any party raises unique circumstances that attempts to establish the
2 impossibility of electronic service or, otherwise, to establish that the electronic service process is
3 an undue hardship, the Court shall take up individual circumstances/claims of hardship on a
4 case-by-case basis in subsequent proceedings. The Court shall subsequently issue any order as
5 needed based on the Court's conclusions on the individual claims raised.

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7 **Service of Motions, Papers, and Documents Filed With the Court:**

8 9. After this Order has been issued and served as described in paragraphs 3 and 4
9 above, for any paper filed with the Court in this Subproceeding, every party shall serve every
10 other party with the item filed as follows:

11 a. that paper will be automatically served on all Represented Parties through
12 the CM/ECF system; and

13 b. notice that a paper has been filed will be automatically served by the Court
14 on all **Unrepresented Parties** who consented to get service by email, and such notice will direct
15 the recipient to view papers through the Court's website.

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17 **Availability to Public:**

18 10. All documents filed with this Court concerning this case will be available to the
19 public for free viewing at the Clerk's Office in Reno, Nevada, and through the website described
20 in paragraph 2 above. Free public access to the internet and the Court's website may be made at
21 the following locations near the Walker River Basin:

22
23 **Nevada libraries near Walker River Basin with public use computers:**

24 Carson City Library, 900 N. Roop St., Carson City 89701 (775-887-2244)

25 Churchill County Library, 553 S. Maine St., Fallon 89406 (775-423-7581)

26 Fernley Branch – Lyon County, 575 Silver Lace Blvd., Fernley 89408 (775-575-3366)
27

1 Mineral County Library, 110 1st St., Hawthorne 89415 (775-945-2778)

2 Douglas County Library, 1625 Library Ln., Minden 89423 (775-782-9841)

3 Lyon County Central Library, 20 Nevin Way, Yerington 89447 (775-463-6645)

4 **California libraries near Walker River Basin with public use computers:**

5 Mono County Public Libraries

6 94 N. School St., Bridgeport 93517 (760-932-7482)

8 111569 Hwy. 395, Coleville 96107 (530-495-2788)

9 400 Sierra park Rd., Mammoth Lakes 93546 (760-934-4777)

10 **Filings by Unrepresented Parties:**

11 11. **Unrepresented Parties** may file documents in this subproceeding, 3:73-CV-
12 00127-MMD-WGC by mail or in person with the Clerk of the Court at:

13 Clerk of the Court
14 400 S. Virginia Street, Room 301
15 Reno, Nevada 89501

16 12. In connection with all such filings, **Unrepresented Parties** must follow the
17 requirements set forth in paragraph 10 above and the Local Rules for the Federal District Court
18 of Nevada, which are available through the Court's official website (www.nvc.uscourts.gov) and
19 at the Clerk's Office.

20 **Changes of Address and/or Email:**

21 13. The Court maintains the mailing and email address of every **Unrepresented**
22 **Party**. Every **Unrepresented Party** to this action must notify the Court if their email address or
23 mailing address changes. In the event that the Court receives notification from the U.S. Postal
24 Service that a mailing address is no longer valid, or learns that the email address associated with
25 an **Unrepresented Party** is no longer valid, the Court shall no longer rely upon that address, and
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1 shall remove that address from the list maintained. Any **Unrepresented Party** whose mailing or
2 email address is determined to be invalid may resume receiving correspondence by providing the
3 Court with his/her valid mailing or email address, as the case may be.

4 14. Notice of all mailing or email address changes must be filed with the Court at:

5 U.S. District Court Clerk, Attn: 3:73-CV-00127-MMD-WGC Notice Clerk
6 Bruce R. Thompson Courthouse
7 400 S. Virginia Street, Room 301
8 Reno, Nevada 89501

9 15. **Unrepresented Parties** who fail to notify the Court of mailing or email address
10 changes and who, as a result of such failure, do not receive notice of a filed document, will
11 nevertheless be deemed to have notice of that document and all subsequent orders and other
12 filings in this matter.

13 **Required Form to Complete and Return to the Court:**

14 16. The **Notice of Email Address or, in the alternative, Declaration of Hardship**
15 shall be completed and shall be returned to:

16 U.S. District Court Clerk, Attn: 3:73-CV-00127-MMD-WGC Notice Clerk
17 Bruce R. Thompson Courthouse
18 400 S. Virginia Street, Room 301
19 Reno, Nevada 89501

20 17. **Unrepresented Parties** needing assistance with the electronic notice and/or filing
21 procedures provided for herein are encouraged to contact the Clerk of Court at 775-686-5800,
22 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding federal holidays.

23 **Miscellaneous:**

24 18. All parties are encouraged to keep a copy of this Order and a copy of their
25 completed Notice of Consent to Electronic Service or Request for Continuation of Service by
26 Postcard Notice for future reference.
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19. To the extent this Order is in conflict with the Superseding Order (Doc. 2100), this Order supersedes the provisions of the Superseding Order (Doc. 2100).

Dated: _____

United States Magistrate Judge or
United States District Court Judge